

AMENDED IN SENATE APRIL 16, 2001

SENATE BILL

No. 1069

Introduced by Senator Chesbro

February 23, 2001

An act to ~~amend Section 40200 of~~ add Section 42305 to, and to add Article 6 (commencing with Section 42346) to Chapter 5.5 of Part 3 of Division 30 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1069, as amended, Chesbro. ~~Solid waste facilities~~ Plastic pollution prevention fee.

The California Integrated Waste Management Act of 1989 requires, except as specified, every rigid plastic packaging container, as defined, that is sold or offered for sale in the state to meet, on average, at least one of 7 specified criteria, including being made from 25% postconsumer material or having a specified recycling rate of 25%, based on annual reports published by the California Integrated Waste Management Board. Certain rigid plastic packaging containers are exempted from meeting those criteria, including those containers that contain food or cosmetics.

This bill would require any manufacturer of a product sold or offered for sale in a rigid plastic packaging container to pay a plastic pollution prevention fee to the board for every plastic container of a resin type that fails to equal or exceed a recycling rate of 50% or more on or before January 1, 2005. The bill would require the board set the plastic pollution prevention fee equal to the difference between the scrap value and the cost of recycling for each resin type, except as specified.

The bill would require the board to deposit the fees in the Rigid Plastic Pollution Subaccount, which the bill would create in the existing

Rigid Container Account in the Integrated Waste Management Fund in the State Treasury. The bill would authorize the board to expend the moneys deposited in the Rigid Plastic Pollution Subaccount to promote the recycling of rigid plastic packaging containers, including but not limited to, payments to recyclers and local governments to offset the cost of recycling rigid plastic packaging containers.

The bill would authorize the board to adopt regulations to implement the bill.

~~Existing law, for purposes of the Integrated Waste Management Act of 1989, excludes certain facilities from the definition of transfer or processing station, including a facility whose principal function is to receive, store, separate, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal.~~

~~This bill would limit that exclusion to facilities whose principal function is to receive, store, separate, convert, or otherwise process nonputrescible wastes which have already been separated for reuse and are not intended for disposal.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 40200 of the Public Resources Code is~~
- 2 ~~SECTION 1. The Legislature finds and declares all of the~~
- 3 ~~following:~~
- 4 ~~(a) A decade ago, in order to reduce waste and conserve~~
- 5 ~~natural resources, the Legislature committed to cutting solid waste~~
- 6 ~~disposal in this state in half.~~
- 7 ~~(b) While this effort remains incomplete, the state, in~~
- 8 ~~partnership with local government, the private sector, and the~~
- 9 ~~public, has developed a comprehensive recycling infrastructure,~~
- 10 ~~and achieved one of the nation's highest waste diversion rates.~~
- 11 ~~(c) Dozens of jurisdictions, along with several categories of~~
- 12 ~~materials, have already equaled or exceeded 50 percent recycling.~~
- 13 ~~(d) Amidst this recycling success, one category of~~
- 14 ~~materials--plastic packaging--stands out as a recycling failure.~~
- 15 ~~While plastic packaging remains one of the fastest growing~~
- 16 ~~components of California's waste stream, recycling rates for~~
- 17 ~~plastic packaging lag behind those for virtually every other~~
- 18 ~~packaging material.~~

1 (e) According to reports from the California Integrated Waste
2 Management Board, recycling rates for rigid plastic packaging
3 containers have actually been in decline, dropping from nearly 25
4 percent in 1995, to 23 percent in 1996, 22 percent in 1997, 19
5 percent in 1998, and less than 18 percent in 1999.

6 (f) According to a report from the California Integrated Waste
7 Management Board, California disposed of more than 2 million
8 tons of plastic packaging in 1999. The total cost to local
9 governments and ratepayers of collecting and disposing of this
10 plastic waste is estimated at three hundred forty million dollars
11 (\$340,000,000) annually.

12 SEC. 2. Section 42305 is added to the Public Resources Code,
13 to read:

14 42305. (a) It is the intent of the Legislature that this state
15 pursue a path of shared responsibility between product producers,
16 container manufactures, local governments, and private recyclers
17 to ensure that, by 2005 and beyond, at least 50 percent of rigid
18 plastic packaging containers are diverted from this state's solid
19 waste and litter stream and recycled into new products.

20 (b) It is the intent of the Legislature that manufacturers of
21 products sold in rigid plastic packaging containers shall be
22 responsible for offsetting costs associated with the recycling of
23 those plastic containers.

24 (c) It is the intent of the Legislature that operators of curbside
25 recycling programs in this state accept for recycling any rigid
26 plastic packaging container for which they receive revenue from
27 scrap value, product manufacturers, or the state, the total of which
28 is equal to or greater than the cost of recycling.

29 SEC. 3. Article 6 (commencing with Section 42346) is added
30 to Chapter 5.5 of Part 3 of Division 30 of the Public Resources
31 Code, to read:

32
33 Article 6. Plastic Pollution Prevention Fee
34

35 42346. (a) On and after January 1, 2006, any manufacturer
36 of a product sold or offered for sale in a rigid plastic packaging
37 container shall pay a plastic pollution prevention fee to the board,
38 as determined pursuant to subdivision (b), for every plastic
39 container of a resin type that fails to equal or exceed a recycling
40 rate of 50 percent or more on or before January 1, 2005.

(b) (1) The board shall set the amount of the plastic pollution prevention fee equal to the difference between the average cost of recycling and the average scrap value for each resin type as determined by the board.

(2) For plastic containers that are not recyclable, the board shall set the plastic pollution prevention fee in an amount equal to the average cost of collection and disposal of the container as solid waste.

42347. The board shall deposit all fees collected pursuant to this article in the Rigid Plastic Pollution Subaccount, which is hereby created in the Rigid Container Account established pursuant to subdivision (e) of Section 42322. The board may expend the moneys deposited in the Rigid Plastic Pollution Subaccount to promote the recycling of rigid plastic packaging containers, including, but not limited to, payments to recyclers and local governments to offset the cost of recycling rigid plastic packaging containers.

(d) The board may adopt regulations to implement this article. amended to read:

~~40200. (a) “Transfer or processing station” or “station” includes those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport, and those facilities utilized for transformation.~~

~~(b) “Transfer or processing station” or “station” does not include any of the following:~~

~~(1) A facility, whose principal function is to receive, store, separate, convert, or otherwise process in accordance with state minimum standards, manure.~~

~~(2) A facility, whose principal function is to receive, store, convert, or otherwise process nonputrescible wastes which have already been separated for reuse and are not intended for disposal.~~

~~(3) The operations premises of a duly licensed solid waste handling operator who receives, stores, transfers, or otherwise processes wastes as an activity incidental to the conduct of a refuse collection and disposal business in accordance with regulations adopted pursuant to Section 43309.~~